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Docket No.: 20722 US1 (C038435/0175476)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of:

Beat FLÜHMANN *et al.*

)  
Examiner: K. E. Weddington

Serial No.: 10/766,118

)  
Art Unit: 1614

Filed: January 27, 2004

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For: **PHYTANIC ACID DERIVATIVE  
COMPOSITIONS AND METHOD OF  
TREATING AND/OR PREVENTING  
DIABETES MELLITUS**

)  
)

New York, New York  
September 12, 2005

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Non-Compliant Amendment ("Notice") mailed August 18, 2005, which set a one-month period for response. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before September 19, 2005, because September 18, 2005 is a Sunday. 37 CFR §§ 1.7 and 1.8. No fee is believed to be due. If it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.